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6 Plaintiff in Pro Per

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,
Plaintiff,
vs.
RIOT GAMES, INC.,
Defendant

CASE NO. 2:25-CV-00053-FMO-BFM HON.

Hon. Fernando M. Olguin

DECLARATION OF MARC
WOLSTENHOLME

COMBINED NOTICE OF APPEAL,
INFORMAL STATEMENT OF GROUNDS,
AND MOTION TO PROCEED IN FORMA
PAUPERIS

Dated this: May 15th, 2025

M.WOLSTENHOLME.

[MARC WOLSTENHOLME]

1 **COMBINED NOTICE OF APPEAL, INFORMAL STATEMENT OF**
2 **GROUNDS, AND MOTION TO PROCEED IN FORMA PAUPERIS.**
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5 **I. NOTICE OF APPEAL**
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8 Notice is hereby given that Plaintiff, Marc Wolstenholme, hereby appeals to the
9 United States Court of Appeals for the Ninth Circuit from the final judgment entered in this
10 action on May 12, 2025, which dismissed Plaintiff's claims without allowing discovery or
11 consideration of key evidentiary matters.
12

13 Plaintiff respectfully asserts that the dismissal was procedurally and substantively
14 flawed due to factual disputes, unresolved evidentiary issues, and denial of discovery. This
15 appeal challenges both the final judgment and all related orders preceding it.
16

17 **II. INFORMAL STATEMENT OF GROUNDS FOR APPEAL**
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19

20 Access was proven through three independently verifiable routes. Riot Forge was
21 open and accepting unsolicited submissions when I submitted Bloodborg: The Harvest. I later
22 submitted again in 2023 to confirm this and retained proof.
23

24 Fabrication of evidence: Riot falsely asserted that Riot Forge was not accepting
25 submissions. My evidence demonstrates otherwise, making this a material misrepresentation.
26

1 Spoliation of evidence: I filed a sealed motion documenting the destruction or
2 concealment of relevant materials. The court did not address this. Spoliation should have
3 triggered evidentiary inferences or further inquiry, not dismissal.
4

5 New and material evidence was on file, including sealed declarations, public
6 submission logs, and digital meta-evidence. The dismissal occurred before this was reviewed or
7 tested through discovery.

8 Denial of discovery to a disadvantaged litigant in person, while the other side
9 stonewalled factual access, is not only procedurally unfair but anti-competitive in effect. I was
10 denied equal opportunity to present my case.
11

12 Anti-competitive behaviour: The suppression of independent creative work by
13 powerful entities and their legal teams, through early dismissals without review of evidence,
14 implicates wider concerns under UK and U.S. competition laws.

15 Furthermore, I assert that this case can be won without direct evidence of access,
16 as the substantial similarities between Bloodborg: The Harvest and Arcane are so specific,
17 complex, and extensive that they support an inference of copying on their own, consistent with
18 established case law where striking similarity alone may raise a triable issue of fact."

20 This is backed by Ninth Circuit case law, including Three Boys Music Corp. v.
21 Bolton, 212 F.3d 477 (9th Cir. 2000), where the court held that "striking similarity" may support
22 a finding of copying even in the absence of proven access if the works are "so alike as to
23 preclude the possibility of independent creation."
24
25

1 **III. MOTION TO PROCEED IN FORMA PAUPERIS**
2

3 Pursuant to Federal Rule of Appellate Procedure 24(a), I respectfully request
4 leave to appeal in forma pauperis.
5

6 I am a UK-based self-represented litigant with no substantial income or savings. I
7 have expended most of my financial resources on legal filings, survival expenses, and contact
8 proceedings regarding my child. I cannot afford the \$505 appellate filing fee without undue
9 hardship.
10

11 I previously submitted extensive materials in this case and have invested good
12 faith effort to resolve matters. Financial constraint should not prevent me from appealing a
13 judgment I believe was unjustly entered.
14

15 A sworn financial declaration can be provided upon request or using the court's
16 standard form.
17

IV. CONCLUSION

I respectfully request:

Leave to proceed in forma pauperis on appeal,

That the Court accept this Notice of Appeal and grounds, and

That this matter be reviewed by the Ninth Circuit with proper consideration of

evidence, discovery rights, and procedural fairness.

5

COMBINED NOTICE OF APPEAL, INFORMAL STATEMENT OF GROUNDS, AND MOTION TO PROCEED

IN FORMA PAUPERIS

1 **Declaration of Authenticity:**

2 I, Marc Wolstenholme, declare under penalty of perjury that the statements made
3 are true and accurate

4

5

6 Executed on May 15th, 2025, in Coventry, England.

7 Respectfully submitted,

8 Signature: *M.WOLSTENHOLME.*

9

10 Marc Wolstenholme

11 Plaintiff in Pro Per

12 5 Shetland Close

13 Coventry, England CV5 7LS

14 marc@mwwolf-fiction.co.uk